

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ILLINOIS NATIONAL INSURANCE COMPANY,
THE INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: AUG 13 2012
DATE FILED: AUG 13 2012

Plaintiffs,

v.

TUTOR PERINI CORPORATION,

Defendant,

v.

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON,

Third-Party
Defendant.

**ASSENTED-TO MOTION TO SUPPLEMENT STATEMENT OF
UNDISPUTED FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

The Chartis Insurers¹ respectfully request that their Statement of Undisputed Facts be supplemented with the additional statements attached hereto. As grounds for this Motion, the Chartis Insurers state:

1. The supplement is composed of deposition testimony and exhibits from the Rule 30(b)(6) deposition of James Laing on behalf of Tutor Perini Corporation ("Tutor").
2. Mr Laing's schedule required that he be deposed on the day the summary judgment papers were due. Accordingly, the information contained in the Supplement could not be included in the original summary judgment submission.

¹ Illinois National Insurance Company ("Illinois National"), The Insurance Company of the State of Pennsylvania ("ICSOP"), and National Union Fire Insurance Company of Pittsburgh, Pa ("National Union").

3. Tutor Perini Corp. assents to this request that the Chartis Insurers' be granted leave to submit this Supplement.

WHEREFORE, the Chartis Insurers request that the attached Supplemental Statement of Undisputed Facts and additional documents be made a part of the summary judgment record.

Respectfully submitted,

ILLINOIS NATIONAL INSURANCE COMPANY, THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

By its attorney,

Dated: August 10, 2012

/s/ Joshua W. Gardner

Joshua W. Gardner
EDWARDS WILDMAN PALMER LLP
111 Huntington Ave.
Boston, MA 02199
Tel. 617.239.0100
Fax. 617.227.4420

Motion GRANTED.
Motion at Dkt. No. 87 to
be terminated. 8/13/12

SO ORDERED:

Katherine B. Forrest

HON. KATHERINE B. FORREST
UNITED STATES DISTRICT JUDGE